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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 2006-241

OAH No. L-2009040324

13 **DEFAULT DECISION AND ORDER**

14 **MARY CATHERINE SERRANO**
13205 Wagner Drive
Bayonet Point, FL 34667

[Gov. Code, § 11520]

15 48-850 North View Dr.
16 Palm Desert, CA 92260
Application For Licensure By Endorsement
17

18 Respondent.
19

20
21 FINDINGS OF FACT

22 1. On or about September 29, 2009, Complainant Ruth Ann Terry, M.P.H., R.N., in her
23 official capacity as the Former Employee of the Board of Registered Nursing, filed Statement of
24 Issues No. 2006-241 against Mary Catherine Serrano (Respondent) before the Board.

25 2. On or about September 16, 2004, Respondent filed an application dated September
26 10, 2004, with the Board to obtain an Application For Licensure By Endorsement.

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1 3. On or about May 5, 2005, the Board issued a letter denying Respondent's application
2 for an Application For Licensure By Endorsement. On or about June 6, 2006, Respondent
3 appealed the Board's denial of her application and requested a hearing.

4 4. On or about June 7, 2006, Janice Williams, an employee of the Department of Justice,
5 served by Certified and First Class Mail a copy of the Statement of Issues No. 2006-241,
6 Statement to Respondent, Notice of Defense, Request for Discovery, Government Code sections
7 11507.5, 11507.6, and 11507.7, Notice from Respondent/Applicant, and Disciplinary Guidelines
8 to Respondent's address on the application form, which was and is 13205 Wagner Drive, Bayonet
9 Point, FL 34667 and at additional addresses: 48-850 North View Dr., Palm Desert, CA 92260,
10 and 6957 Goldcrest Dr., Long Beach, CA 90815. A copy of the Statement of Issues is attached as
11 Exhibit A, and is incorporated herein by reference.

12 5. Service of the Statement of Issues was effective as a matter of law under the
13 provisions of Government Code section 11505, subdivision (c).

14 6. In June of 2006, Respondent appealed the denial of her application and requested a
15 hearing in this action. A Notice of Hearing was served by mail at Respondent's address on the
16 application and 3 additional addresses and it informed her that an administrative hearing in this
17 matter was scheduled for August 4, 2009. Respondent failed to appear at that hearing.

18 7. Government Code section 11506 states, in pertinent part:

19 (c) The respondent shall be entitled to a hearing on the merits if the respondent
20 files a notice of defense, and the notice shall be deemed a specific denial of all parts
21 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

22 8. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions
25 or upon other evidence and affidavits may be used as evidence without any notice to
26 respondent; and where the burden of proof is on the respondent to establish that the
respondent is entitled to the agency action sought, the agency may act without taking
evidence.

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9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on evidence on file herein, finds that the allegations, in Statement of Issues No. 2006-241 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Mary Catherine Serrano has subjected her application for an Application For Licensure By Endorsement to denial.

2. Service of Statement of Issues No. 2006-241 and related documents was proper and in accordance with the law.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board is authorized to deny Respondent's application for licensure based upon the following violations alleged in the Statement of Issues: 2002 Disciplinary Actions by Indiana State Board of Nursing for testing positive for drugs and alcohol and for failing to submit to required testing. She is also subject to discipline for two misdemeanor criminal convictions for operating a vehicle in Indiana while intoxicated in 1991 and 1992.

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

Case No. 2006-241

OAH No. L-2009040324

**MARY CATHERINE SERRANO
13205 Wagner Drive
Bayonet Point, FL 34667**

**48-850 North View Dr.
Palm Desert, CA 92260
Application For Licensure By Endorsement**

Respondent.

DECISION AND ORDER

IT IS SO ORDERED that the application for Application For Licensure By Endorsement, filed by Respondent Mary Catherine Serrano, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 23, 2010.

It is so ORDERED December 23, 2009



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Statement of Issues No.2006-241

Exhibit A

Statement of Issues No. 2006-241

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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:
MARY CATHERINE SERRANO
6957 Goldcrest Drive
Long Beach, CA 90815

Case No. 2006-241

Application for Licensure by Endorsement
Respondent.

STATEMENT OF ISSUES

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N., Executive Officer (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (Board).
2. On or about September 16, 2004, the Board received an Application for Licensure by Endorsement from Mary Catherine Serrano (Respondent). On or about September 10, 2004, Mary Catherine Serrano certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on May 5, 2005.

JURISDICTION

3. This Statement of Issues is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 480 states, in pertinent part:

2 “(a) A board may deny a license regulated by this code on the grounds that the
3 applicant has one of the following:

4 “(1) Been convicted of a crime. . . .

5 “(3) Done any act which if done by a licentiate of the business or profession in
6 question, would be grounds for suspension or revocation of license. . . .”

7 5. Section 2736 provides, in pertinent part, that the Board of Registered Nursing
8 (Board) may deny a license when it finds that the applicant has committed any acts constituting
9 grounds for denial of licensure under section 480.

10 6. Section 2761 states, in pertinent part:

11 “The board may take disciplinary action against a certified or licensed nurse or
12 deny an application for a certificate or license for any of the following:

13 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 “(4) Denial of licensure, revocation, suspension, restriction, or any other
15 disciplinary action against a health care professional license or certificate by another state or
16 territory of the United States, by any other government agency, or by another California health
17 care professional licensing board. A certified copy of the decision or judgment shall be
18 conclusive evidence of that action.

19 “(f) Conviction of a felony or of any offense substantially related to the
20 qualifications, functions, and duties of a registered nurse, in which event the record of the
21 conviction shall be conclusive evidence thereof. . . .”

22 FIRST CAUSE FOR DENIAL OF APPLICATION

23 (Disciplinary Actions by Indiana State Board of Nursing)

24 7. Respondent's application is subject to denial under section 2761, subdivision
25 (a)(4), on the grounds of unprofessional conduct, in that Respondent's registered nursing license
26 No. 28119497A issued by the Indiana State Board of Nursing (ISBN) was the subject of
27 disciplinary actions, as follows:

28 a. On or about October 1, 2002, the ISBN filed a disciplinary action against

1 Respondent entitled *State of Indiana v. Mary Catherine Serrano, R.N.*, Cause No. 2002 NB 088.

2 b. On or about November 21, 2002, an Agreement was submitted and filed
3 with the ISBN to acknowledge and resolve all issues involved in the disciplinary Cause No. 2002
4 NB 088.

5 c. On or about November 27, 2002, in Cause No. 2002 NB 088, the ISBN
6 filed a Final Order and Approval placing Respondent on INDEFINITE PROBATION, subject to
7 addictionology evaluations by an ISBN approved provider regarding fitness to practice, random
8 drug screens, and other terms and conditions. Pertinent substance of the Final Order and
9 Approval is as follows:

10 “Respondent’s substantial non-compliance with her Indiana State Nurses’ Assistance
11 Program contract has resulted in the closure of her file with Professional Recovery Monitoring
12 Corporation in August 2002 and an assessment by PRMC staff that she is a chemically dependent
13 individual and unsafe to practice the nursing profession.” (emphasis added)

14 d. On or about February 19, 2003, Respondent entered into an ISBN
15 approved Recovery Monitoring Agreement with Professional Recovery Monitoring Corporation
16 (PRMC), an Indiana State Nurses Assistance Program (ISNAP) contract provider.

17 e. On or about November 18, 2003, Respondent tested positive for alcohol.

18 f. On or about December 17, 2003, Respondent failed to test.

19 g. On or between December 29, 2003, Respondent agreed not to work as a
20 nurse until an evaluation of clinical findings and recommendations was approved by ISNAP.

21 h. On or between December 29, 2003, and January 9, 2004, Respondent
22 failed to submit to an addictionology evaluation.

23 i. On or about January 9, 2004, PRMC issued to the ISBN a Non-Compliant
24 Case Closure letter regarding Respondent.

25 j. On or about January 28, 2004, the ISBN filed an Order to Show Cause
26 against Respondent for failure to abide by the terms and conditions of her November 27, 2002
27 probationary order; namely for failure to remain in compliance with the terms of her ISNAP
28 contract.

1 k. On or about February 19, 2004, the ISBN summarily suspended
2 Respondent's registered nurse license, No. 28119497A, for 90 days.

3 1. On or about June 3, 2004, pursuant to agreement between the parties, the
4 ISBN, filed a Final Order and Approval, in Cause No. 2002 NB 088, and, again, placed
5 Respondent's State of Indiana registered nurse license, No. 28119497A, on INDEFINITE
6 PROBATION, subject to terms and conditions.

7 SECOND CAUSE FOR DENIAL OF APPLICATION

8 (Criminal Convictions)

9 8. Respondent's application is subject to denial under sections 480, subdivision
10 (a)(1), and 2761, subdivision (f), in that Respondent, on her application admitted, under penalty
11 of perjury, to her convictions of crimes substantially related to the qualifications, functions, or
12 duties of a registered nurse, as follows:

13 a. OPERATING A VEHICLE WHILE INTOXICATED

14 Respondent states, "In 1992, I had been drinking on campus and on my way home
15 I was pulled over for crossing the yellow line. I was charged with driving under the influence.
16 This charge was reduced to a Class A misdemeanor and I completed my probation and classes
17 successfully."

18 The circumstances surrounding the conviction are that on or about April 9, 1992,
19 the State of Indiana, Monroe Circuit Court, Division V, filed Cause No. 53C05 9204 CF 00165,
20 entitled *The People of the State of Indiana v. Mary C. Serrano*. On or about April 1, 1993, the
21 Court convicted Respondent for violating Count 1: Operating a Vehicle While Intoxicated, Class
22 D felony. On or about December 23, 1993, the Court filed its order granting Respondent's
23 application for reduction of conviction.

24 b. OPERATING A VEHICLE WHILE INTOXICATED

25 Respondent states, in 1991, "I was arrested for driving under the influence-a Class
26 A misdemeanor. I was a passenger in a car and the driver stated she was no longer able to drive.
27 I stupidly took over. I was placed on probation and completed this in one year."

28 The circumstances surrounding Respondent's probation, resulting from her

1 criminal conviction, with State of Indiana, Morgan County Court Services, Probation
2 Department, are that Respondent was placed on probation for one year beginning April 11, 1991,
3 for the offense of Operating While Intoxicated, Class A Misdemeanor. She successfully
4 completed her probation period on March 11, 1992.

5 THIRD CAUSE FOR DENIAL OF APPLICATION

6 (Conduct Which Constitutes Discipline of a Licensee)


7 9. Respondent's application is subject to denial under section 480, subdivision (a)(3),
8 in that Respondent committed acts, as set forth above in paragraphs 7 and 8, which if done by a
9 licentiate of the profession would constitute cause for suspension or revocation of licensure
10 under sections 2761, subdivisions (a)(4) and (f). Such conduct is substantially related to the
11 qualifications, functions, or duties of a registered nurse.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Denying Mary Catherine Serrano's Application For Licensure By Endorsement;
16 2. Taking such other and further action as deemed necessary and proper.

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18 DATED: 5/25/06

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20 
21 RUTH ANN TERRY, M.P.H., R.N.,
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California

26
27 Complainant
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